

STATE OF ILLINOIS)
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NINETEENTH JUDICIAL CIRCUIT)

FILED
APR 06 2020
CLERK

ADMINISTRATIVE ORDER 20-26
NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF LAKE COUNTY

AMENDED TEMPORARY PROCEDURES FOR FAMILY DIVISION CASES

Consistent with the Order of the Illinois Supreme Court in M.R. 30370, dated March 17, 2020, which was adopted in response to the COVID-19 outbreak and the emergencies declared by the State and Federal governments, and Administrative Order 20-23, and in order to protect the health and safety of the general public, judges and court employees, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority;

IT IS HEREBY ORDERED Administrative Order 20-14 is vacated.

IT IS HEREBY ORDERED that, the following temporary procedures will apply to all cases assigned to the Family Division of the Nineteenth Judicial Circuit, specifically including cases with the following case designations; AD, D, AND F. Orders of Protection will continue to be heard in Courtroom C-105 as scheduled.

IT IS FURTHER ORDERED that, all court hearings scheduled between March 17, 2020 through and including May 15, 2020 are hereby cancelled and will be automatically continued by the Clerk's Office. All parties of record will receive notice of the continued court date as determined by the assigned judge.

IT IS FURTHER ORDERED AS FOLLOWS:

1. **Emergency matters.** Any attorney or self-represented litigant wishing to have an emergency matter heard must contact the Clerk's Office by telephone at **847-377-3209** to schedule the hearing. All emergency matters, whether contested or uncontested, may be heard by remote court appearance via CourtCall, the designated remote appearance vendor of the Nineteenth Judicial Circuit. All litigants are strongly encouraged to make remote appearances, rather than appear personally in court, in order to diminish the risk of infection. The Clerk's office will provide CourtCall information upon request. For those who do attend court in person, all emergency matters will be heard in Courtroom C-105, regardless of which judge is assigned to the case. Courtroom C-105 has been equipped with video-conferencing equipment, which can be utilized upon request.

2. **Agreed Orders.** Proposed agreed orders should be submitted to the Clerk's Office by email at cccivilfiling@lakecountyil.gov. Upon receipt, the Clerk's Office will forward the proposed agreed order to the assigned judge. If the assigned judge approves the agreed order, the Clerk will present the agreed order to the on-duty judge in the courthouse for signature. The Clerk will then email the signed order to the parties.
3. **Illinois Supreme Court Rule 218.** For any case which is being automatically continued as a result of this order, all 218 and briefing schedule deadlines are automatically extended 35 days without need for a separate order of any kind, agreed or otherwise. Where discovery has been impractical due to the current emergency, the parties may request relief from deadlines when normal court proceedings resume, or they may choose to submit a proposed agreed order pursuant to the above paragraph of this order.
4. **Fee-Waivers.** Self-represented litigants seeking fee-waivers may apply without making a court appearance by e-filing or by using the procedure outlined above for agreed orders and the request will be routed for approval to the assigned judge. The order granting or denying the request will be emailed back to the self-represented litigant. Any litigant receiving a fee-waiver may use the CourtCall remote appearance service free of charge. Simply advise the CourtCall personnel that you have received a fee-waiver, and they will verify the fee-waiver with the Clerk's Office.
5. **E-Filing Exemption.** The Clerk of the Circuit Court may receive, for the duration of Administrative Order 20-23, Family Division filings by mail or over the counter from Self-Represented Litigants seeking an exemption from electronic filing. All attorneys shall continue to electronically file as mandated by the Illinois Supreme Court.
6. **Remote Pre-Trial Settlement Conference:**
 - a. Any attorney who desires a pretrial settlement conference may do so with the agreement of the opposing party.
 - b. If the parties are in agreement they shall contact the clerk via e-mail only at cccivilfiling@lakecountyil.gov stating that they desire a pretrial with the judge assigned to the case. Attorneys shall also submit a written consent to a remote pretrial conference at the time that they request the pretrial.
 - c. At the time of the request the parties shall electronically submit their pretrial settlement memorandum as required by Local Court Rule 4-3.11 to the clerk.

Please note that no pretrial settlement conference will be scheduled unless the court receives the pretrial memorandum.

- d. The clerk will coordinate with the Judge assigned to the matter and set a specific date and time for the conference call. Parties must be prompt and absent a court order, the Pretrial Conference must conclude within 30 minutes of commencing. Failure of the parties to be on the phone when the judge joins will result in the conference call being concluded. It will be up to the parties to reschedule.
- e. It is the obligation of the parties to arrange the conference call and provide the clerk with the conference call information.
- f. If there is a Guardian ad Litem or a Child Representative on the case, the attorneys shall provide notice to that attorney of the date, time and conference call information to participate in the pretrial.

7. Remote Prove-Ups:

- a. Attorneys may request to set a prove-up hearing for a proposed dissolution of marriage to be heard by remote access video conferencing for said hearings at this time.
- b. At this time, due to logistical limitations, remote access prove-ups are limited to cases in which each party is represented by counsel of record. Additionally, remote access prove-ups requiring a foreign language court interpreter will not be allowed at this time.
- c. Attorneys shall contact the clerk via e-mail only at cccivilfiling@lakecountyil.gov to schedule a date for a prove-up hearing. Prove-ups will be scheduled on Tuesday and Friday afternoons beginning at 1:30 p.m. at 20 minute assigned intervals. Prove-ups will be limited to five hearings per day.
- d. It is the obligation of the parties to arrange the video conference call and provide the clerk with the necessary video call information for the judge and court reporter. Parties must be prompt. Failure of the parties to be on the video conference call when the judge joins will result in the matter being concluded. It will be up to the parties to reschedule.
- e. All prove up documents shall be signed and emailed to the clerk at least two days prior to the hearing including the proposed Judgment, Marital Settlement Agreement, Allocation Judgment, Withholding Orders, and any other proposed court orders. Documents not requiring signature of the Judge should be e-filed with the Circuit Clerk two days in advance, including such as the marriage certificate, UCCJEA, and completion of the College of Lake County Parenting Class. Each party shall sign a written consent to prove up by remote access.

- f. Once all parties and the Court are connected to the video conference call, the Court shall swear in the witnesses and the prove up shall proceed in the same manner as if parties and their attorneys were present in the courtroom.
 - g. An official court reporter will remotely transcribe the proceedings. Cost of the transcript shall be the responsibility of the Petitioner in said matter.
 - h. The Court will provide the clerk with the signed documents and the clerk shall send the parties a filed stamped copy of all documents filed with the Court.
8. **Parenting Time.** Governor Pritzker's March 20th Executive order 2020-10, the "Stay at Home Order," does not apply to court- ordered visitation. (See paragraph 14e.) Current court orders are to be followed unless parents and/or guardians agree to other arrangements. If adults do find themselves locked in conflict, below are guidelines to consider:
- a. If there are legitimate and substantial concerns about parenting time, parents and/or guardians are expected to confer and act in good faith, then make adjustments that are in the best interest of the child. If parenting time (visitation) must be changed, both sides should confirm in writing (text, email, U.S. Mail) when parenting time will be made up.
 - b. Request to modify or enforce orders pertaining to child custody/visitation or allocation of parenting time/responsibilities will not be emergencies unless:
 - i. There is an imminent and substantial threat to a child's health or safety; and,
 - ii. A person's claim of emergency is supported by sufficient sworn facts (not speculation).
 - c. Illinois law does not allow Orders of Protection to be used in cases where the dispute is really about child custody/visitation/parenting time.
 - d. Parents and guardians are reminded that if they come to court on the question of parenting in the future, the judge will consider each party's willingness to encourage a close relationship between the child and other parent.

Dated this 6th day of April, 2020.

ENTERED:



DIANE E. WINTER,
Chief Judge